

[Names and addresses of counsel appear on  
signature page]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DERRICK SATCHELL, KALINI  
BOYKIN, VALERIE BROWN, RICK  
GONZALES, CYNTHIA GUERRERO,  
RACHEL HUTCHINS, TYRONE  
MERRITT, KELVIN SMITH, SR., and  
KEN STEVENSON, on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

FEDEX EXPRESS, a Delaware  
corporation,

Defendant.

Case No. C 03-2659 SI

CLASS ACTION

**STIPULATION AND [PROPOSED]  
ORDER REGARDING DEPOSITION AND  
DOCUMENTS PRODUCED BY  
PLAINTIFFS' EXPERT ANTHONY G.  
GREENWALD, Ph.D.**

CALDWELL, et al.,

Plaintiffs,

vs.

FEDEX CORPORATION, et al.,

Defendants.

Case No. C 03-02878 SI

1 WHEREAS, Defendant FedEx Express served its Request for Production of  
2 Documents From the Files and Records of Anthony G. Greenwald, Ph.D. on September 8, 2006;

3 WHEREAS, the deadline for Plaintiffs to serve responses and/or objections to  
4 Defendant's request was October 9, 2006;

5 WHEREAS, on September 20 and 21, 2006, Plaintiffs produced documents to  
6 Defendant in anticipation of Dr. Greenwald's September 22, 2006 deposition prior to responding  
7 to the discovery request;

8 WHEREAS, the September 22, 2006 deposition did not conclude, and Plaintiffs  
9 produced more documents on September 25, 2006;

10 WHEREAS, Dr. Greenwald believes that certain responsive documents, data, and  
11 correspondence that were produced are confidential and/or proprietary;

12 WHEREAS, the parties met and conferred regarding those claimed confidential  
13 and proprietary documents and agreed to this Stipulation;

14 The parties, through their counsel, hereby stipulate and agree as follows:

15 1. The following categories of documents produced by Plaintiffs to Defendant  
16 FedEx Express<sup>1</sup> that were responsive to FedEx's September 8, 2006 Request for Production of  
17 Documents From the Files and Records of Anthony G. Greenwald, Ph.D. —as well as testimony  
18 relating to them—are to be (a) treated as proprietary and confidential; (b) used or considered only  
19 for the purpose of this litigation; and (c) viewed or considered only by FedEx counsel and its  
20 experts, Drs. Campion and Tetlock (who must sign the Consent to Be Bound by This Agreement  
21 (attached as Exhibit A)) for use in this litigation.

22 a. Documents and electronic files provided to Dr. Greenwald by the  
23 other authors of the Poehlman IAT meta-analysis (cited in Dr. Greenwald's expert report),  
24 including, but not limited to, the underlying data used in the analysis and correspondence relating  
25 to it;

26  
27  
28 <sup>1</sup> The documents at issue were all produced electronically by Plaintiffs to Defendant FedEx  
Express on September 21 and 25, 2006.

b. Correspondence or other records of communications among the authors of the Poehlman IAT meta-analysis relating to conducting the substantive analysis; and

c. Editorial correspondence relating to the submission for possible publication of the Poehlman IAT meta-analysis, including, but not limited to, referee reports, reviews, and letters from editors.

SO STIPULATED.

Dated: November 9, 2006

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14 Dated: <sup>Nov.</sup> ~~October~~ 7, 2006

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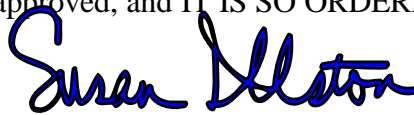
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*Counsel for Defendant*

**ORDER**

The foregoing stipulation is approved, and IT IS SO ORDERED.

Dated: \_\_\_\_\_



Hon. Susan Illston  
United States District Judge

**EXHIBIT A**

**CONSENT TO BE BOUND BY THIS AGREEMENT**

I, \_\_\_\_\_, hereby acknowledge that I have been provided with a copy of the Stipulation and Order Regarding Deposition and Documents Produced by Plaintiffs' Expert Anthony G. Greenwald, Ph.D. ("Order") which has been entered by the Court in Satchell v. FedEx Express Corp., Case Nos. C-03-2659 SI, C-03-02878 SI (N.D. Cal.).

I hereby agree to be bound by the terms of the Order; to not reveal any confidential or proprietary documents or testimony encompassed by the Order to anyone not designated by the Order; and to not use those documents and testimony for any purpose not directly related to this litigation.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE